

February 14, 2019

Via Certified Mail

John Maybriar  
Director of the Division of Waste Management  
300 Sower Blvd.  
Frankfort, KY 40601

**RECEIVED**

**FEB 19 2019**

**DIRECTOR'S OFFICE  
DIVISION OF WASTE MANAGEMENT**

Re: 2316 Highland Avenue, Carrollton, Kentucky: Environmental Covenant

Dear Mr. Maybriar

PMC Organometallix, Inc. recently placed an Environmental Covenant on a portion of its property located at 2316 Highland Avenue, Carrollton, Kentucky. Pursuant to the terms of the covenant, you are being provided with a copy of the covenant that has been recorded with the Carroll County Clerk's Office. If you should have any questions with respect to this matter, please do not hesitate to contact me.

Sincerely,



R. Clay Larkin

RCL/jle2

Enclosure

**SUPERFUND BRANCH**

FEB 19 '19 PM 1:04

**SCANNED**

**FEB 19 2019**

**QC**

## ENVIRONMENTAL COVENANT

PMC Organometallix, Inc. (hereinafter "Grantor") grants an Environmental Covenant (hereinafter "Covenant") this 18<sup>th</sup> day of January, 2017 to the following Holders pursuant to KRS Chapter 224 Subchapter 80: PMC Organometallix, Inc. and Arkema Inc. (collectively hereinafter "Grantees").

WHEREAS, Grantor is the owner of certain real property located at 2316 Highland Avenue, Carrollton, Kentucky (hereinafter "the Property") more particularly described in Book 192 Page 445 of the Carroll County Clerk's office consisting of the following tracts: Tract 1, Parcel 1; Tract 1, Parcel 2; Tract 2; Tract 3, Parcel 1; Tract 3, Parcel 2; Tract 4; Tract 5; Tract 6; and Tract 7, as described in Attachment A;

WHEREAS, this instrument is an Environmental Covenant developed and executed pursuant to KRS 224.80-100 to KRS 224.80-210;

WHEREAS, this Environmental Covenant concerns a portion of Tract 1, Parcel 2 of the Property, identified as "Impacted Area," and described in Attachment B. The activity and use restrictions set forth herein apply only to the Impacted Area as stated below;

WHEREAS, the Impacted Area is the subject of remedial action pursuant to the Resource Conservation Recovery Act ("RCRA") Corrective Action Program required under KRS 224.46-530;

WHEREAS, historic releases of hazardous substances have occurred resulting in concentrations of metals including antimony, semi-volatile organic compounds including bis(2-ethylhexyl) phthalate, and volatile organic compounds including benzene, chlorobenzene, ethylbenzene, methylene chloride, tetrachloroethene, trichloroethene, toluene, vinyl chloride, and xylene being detected in soils and groundwater on the Property. The releases consisted of an unknown amount. More specifically, areas designated for RCRA Corrective Action have been identified for the Impacted Area (hereinafter "the RCRA Corrective Action Areas") and are more particularly described in Attachment C. The RCRA Corrective Action Areas are located entirely within the Impacted Area;

WHEREAS, Arkema Inc., has proposed a Final Corrective Measures Study dated June 2016 which includes a Corrective Measures Implementation & Site Management Plan (the Plan) for the Impacted Area. The Plan includes the installation of surface caps, maintenance requirements and inspections to manage the effects of historical releases which includes controlling exposure to the hazardous waste, hazardous constituents, hazardous substances, pollutants, or contaminants by restricting certain activities and uses on the Impacted Area;

WHEREAS, concentrations of compounds including antimony up to 2000 mg/kg, benzene up to 53 mg/kg, bis(2-ethylhexyl)phthalate up to 1200 mg/kg, ethylbenzene up to 580 mg/kg, tetrachloroethene up to 400 mg/kg, trichloroethene up to 3.4 mg/kg and xylene up to 5100 mg/kg will remain in soils in the Impacted Area on the Property above USEPA



Regional Screening Levels for residential soils (November 2013 edition) and concentrations of compounds including benzene up to 15 mg/l, chlorobenzene up to 0.26 mg/l, ethylbenzene up to 2.6, methylene chloride up to 0.0072 mg/l, tetrachloroethene up to 0.035 mg/l, toluene up to 5.8 mg/l, trichloroethene up to 0.098 mg/l, and vinyl chloride up to 0.0086 mg/l will remain in perched groundwater above USEPA Maximum Contaminant Levels in the Impacted Area after implementation of the Plan;

WHEREAS, the purpose of this Covenant is to ensure protection of human health and the environment by placing restrictions on activities and uses on the Impacted Area to reduce the risk to human health to below the target risk levels for those hazardous wastes, hazardous constituents, substances, pollutants, or contaminants that remain on the Impacted Area;

WHEREAS, further information concerning the historical releases and the activities to correct the effect of the releases may be obtained by contacting the Custodian of Records of the Kentucky Division of Waste Management (KDWM) at 300 Sower Boulevard, Frankfort, Kentucky 40601. Records concerning the Property may be found under Agency Interest # 690.

NOW, THEREFORE, Grantor hereby grants this Environmental Covenant to the Holder, and declares that the Property shall hereinafter be bound by, held, sold, used, improved, occupied, leased, hypothecated, encumbered, and/or conveyed subject to the following requirements set forth in paragraphs 1 through 3 below:

## **1. DEFINITIONS**

A. Owner. "Owner" means PMC Organometallix, Inc., its successors, assigns and heirs in interest.

B. Residential Use. "Residential Use" includes single family or multi family residences; child or adult care facilities; nursing home or assisted living facilities and any type of educational purpose for children/young adults in grades kindergarten through twelfth grade.

## **2. RESTRICTIONS**

A. Prohibited Uses. The Impacted Area shall not be used for residential use.

B. Prohibited Activities.

- i. Groundwater at the Impacted Area shall not be used for drinking or other domestic purposes.
- ii. Except as necessary to protect human health, safety or the environment, no action shall be taken, allowed, suffered, or omitted on the Impacted Area if such action or omission is reasonably likely to:



- a. Create a risk of migration of hazardous substances, pollutants or contaminants or a potential hazard to human health or the environment; or
- b. Result in a disturbance of the structural integrity of any Surface Caps designed or utilized at the Impacted Area to contain hazardous substances, pollutants or contaminants or limit human exposure to hazardous substances, pollutants or contaminants;
- iii. Disturbance of the Surface Caps. Prior to any disturbance of any approved Surface Cap placed on the Impacted Area inconsistent with the approved Plan, the Owner shall submit to the KDWM Director a written rationale for the disturbance and detailed plans of the proposed construction for their review and written approval. No such disturbance is permitted without this prior written approval.
- iv. Soil Disturbances. Soils at the Impacted Area shall not be disturbed in any manner inconsistent with the approved Plan without the Owner obtaining prior approval of the KDWM Director.
- v. Construction. No building shall be constructed on the Impacted Area without the Owner obtaining prior approval of the KDWM Director.

### 3. GENERAL PROVISIONS

A. Restrictions to Run with the Land. This Environmental Covenant runs with the land pursuant to KRS 224.80-140; is perpetual unless modified or terminated pursuant to the terms of this Covenant; is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof; and inures to the benefit of and passes with each and every portion of the Property; and binds the Owner, the Holders, all persons using the land, all persons, their heirs, successors and assigns having any right, title or interest in the Property, or any part thereof who have subordinated those interests to this Environmental Covenant, and all persons, their heirs, successors and assigns who obtain any right, title or interest in the Property, or any part thereof after the recordation of this Environmental Covenant.

B. Conveyances of the Property. Owner shall notify the KDWM Director at least thirty (30) days in advance of any proposed grant, transfer, or conveyance of any interest in any or all of the Property. Notice shall include the name address and telephone number of the prospective transferee, a copy of the proposed deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

C. Incorporation into Deeds and Leases. Each instrument hereafter conveying any interest in the Property or any portion of the Property shall contain a notice of



the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED \_\_\_\_\_, 201\_, RECORDED IN THE OFFICIAL RECORDS OF THE CARROLL COUNTY CLERK'S OFFICE IN DEED BOOK \_\_\_\_\_, Page \_\_\_\_\_.

D. Zoning Changes. Owner shall notify the KDWM Director simultaneously when any application is submitted to a local government for a building permit for the Impacted Area. Owner shall notify the KDWM of any proposed change in the land use for the Impacted Area.

E. Compliance Certification. Owner shall submit an annual report to the KDWM Director on the anniversary of the date this Covenant was signed by the Grantor, detailing the Owner's compliance, and any lack of compliance with the terms of the Covenant.

F. Right of Access. Owner hereby grants the Kentucky Energy and Environment Cabinet, its agents, contractors and employees and any other Holders the right of access to the Impacted Area for implementation or enforcement of this Environmental Covenant.

G. Representations and Warranties. Grantor hereby represents and warrants to the other signatories hereto:

- i. that the Grantor has the power and authority to enter into this Environmental Covenant, to grant the rights and interests herein provided and to carry out all obligations hereunder;
- ii. that the Grantor is the sole owner of the Property and holds fee simple title which is free, clear and unencumbered subject to Arkema Inc.'s right of access to the Property to undertake remedial action activities pursuant to the RCRA Corrective Action Program under KRS 224.46-530;
- iii. that to the best of Grantor's knowledge, information and belief, and based on a diligent search, the Grantor has identified all other parties that hold any recorded interest (e.g., encumbrance) in the Property and notified such parties of the Grantor's intention to enter into this Environmental Covenant;
- iv. that the Grantor has complied with all public notice requirements in KRS 224.80-110;



- v. that this Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Grantor is a party, by which Grantor may be bound or affected;
- vi. that this Environmental Covenant will not materially violate or contravene any zoning law or other law regulating use of the Impacted Area;
- vii. that this Environmental Covenant does not authorize a use of the Impacted Area that is otherwise prohibited by a recorded instrument that has priority over the Environmental Covenant.

H. Compliance Enforcement. The terms of the Environmental Covenant may be enforced by the Kentucky Energy and Environment Cabinet or any person identified in KRS 224.80-200 in accordance with applicable law. Failure to timely enforce compliance with this Environmental Covenant or the use limitations contained herein by any person shall not bar subsequent enforcement by such person and shall not be deemed a waiver of the person's right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Kentucky Energy and Environment Cabinet from exercising any authority under applicable law.

I. Modifications/Termination. This Environmental Covenant runs with the land and is perpetual, unless modified or terminated in accordance with KRS 224.80-180 or KRS 224.80-190. The term "Amendment" as used in this Environmental Covenant, shall mean any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. The term "Termination" as used in this Environmental Covenant, shall mean the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

J. Notices. Any document or communication required to be sent to Kentucky Energy and Environment Cabinet or the KDWM Director under this Covenant shall be sent to:

Director, Division of Waste Management  
Department for Environmental Protection  
300 Sower Boulevard  
Frankfort, KY 40601

K. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

L. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the Commonwealth of Kentucky.



M. Recordation. Within ten (10) business days after the date of the final required signature upon this Environmental Covenant, Grantor shall file this Environmental Covenant in the county clerk's office in each county that contains any portion of the real property subject to this environmental covenant.

N. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property containing the Impacted Area with the Carroll County Clerk's Office.

O. Distribution of Environmental Covenant. The Grantor shall within thirty (30) days of filing this Environmental Covenant in the Carroll County Clerk's Office, distribute a file and date stamped copy of the recorded Environmental Covenant to the following persons: Director, Kentucky Division of Waste Management, City Administrator or Manager of the City of Carrollton County Administrator of Carroll County, every Holder of this Environmental Covenant, each person who is in possession of the Property, each person who holds a recorded interest in the Property, and each person who signed this Environmental Covenant.

P. Cabinet and Division References. All references to the Kentucky Energy and Environment Cabinet and the KDWM shall include successor agencies/ departments/divisions or other successor entities.

PMC Organometallix, Inc. has caused this Environmental Covenant to be executed pursuant to KRS Chapter 224.80-100 to KRS 224.80-210 on this \_\_\_\_ day of January 2019.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands this the day and year first above written.



PMC Organometallix, Inc., Grantor/Grantee/Holder  
Matthew Stershic, Ph.D.  
Vice President and General Manager

9 JAN 2019

Date

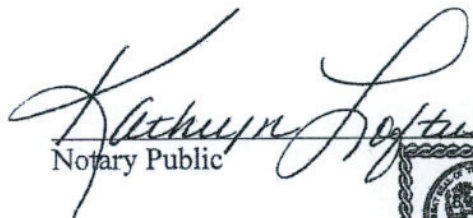
STATE OF NEW JERSEY )

)

COUNTY OF BURLINGTON )

)

The foregoing Environmental Covenant was acknowledged before me by Matthew Stershic, Ph.D., Vice President and General Manager of PMC Organometallix, Inc., this the 9<sup>th</sup> day of January 2019.



Notary Public

My Commission Expires:





Arkema Inc. has caused this Environmental Covenant to be executed pursuant to KRS Chapter 224.80-100 to KRS 224.80-210 on this 11<sup>th</sup> day of January, 2019.

IN TESTIMONY WHEREOF, the parties have hereunto set their hands this the day and year first above written.



Arkema Inc., Grantee/Holder  
Richard Rowe  
President and CEO of Arkema Inc.

11 JANUARY, 2019  
Date


COMMONWEALTH OF PENNSYLVANIA )  
COUNTY OF MONTGOMERY )

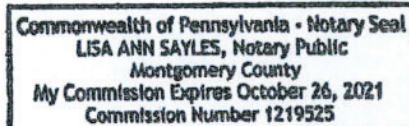
The foregoing Environmental Covenant was acknowledged before me by Richard Rowe, President and CEO of Arkema Inc., this the 11th day of January, 2019.

  
Notary Public

My Commission Expires: October 26, 2021

This instrument prepared by:

  
R. Clay Larkin  
Bingham Greenebaum Doll LLP  
300 West Vine Street, Suite 1200  
Lexington, KY 40507







COMMONWEALTH OF KENTUCKY

COUNTY OF CARROLL

I, Alice W. Marsh, Clerk of the Carroll County Court, do certify that the foregoing Environmental Covenant was lodged in my office for record, and that I have recorded it, and the certificate thereon, this 4th day of February, 2019.

Alice W. Marsh by EDK  
Carroll County Clerk

ATTACHMENT A: PROPERTY DESCRIPTION  
(from Carroll County Deed Book 192, Starting Page 445)

CARROLL COUNTY  
**D192 PG450**

Tract 1, Parcel 1:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying North of US Highway 42, lying East of Port William Historical Society, lying South of the Ohio River and lying West of United Pentecostal Church and being more particularly described as follows:

Commencing at the intersection of the southeast right of way of US Highway 42 as established by the Commonwealth of Kentucky Department of Highways by state project 13E-GS (1932), and the northeast right of way line of Metal & Thiermit (M&T) access road as established by the Commonwealth of Kentucky Department of Highways by state project 21-392-2L (1963);

Thence, leaving the southeast right of way of US Highway 42, N 39°02'00" W a distance of 71.64 feet to the northwest right of way of US Highway 42 and the true point of beginning;

Thence, continuing along the said northwest right of way, S 62°44'24" W a distance of 1462.05 feet;

Thence, leaving the aforementioned right of way, N 32°37'05" W a distance of 650.48 feet to the Ohio River;

Thence, along the Ohio River N 62°27'58" E a distance of 1386.44 feet;

Thence, leaving the Ohio River S 39°02'00" E a distance of 668.33 feet to the true point of beginning; and containing 21.291 acres or 927,436 square feet.



CARROLL COUNTY  
D192 PG451

Tract 1, Parcel 2:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying South of US Highway 42, lying East of Arkem, Inc. Tract 3, Parcel 1, lying North of the C. & W. Railroad and lying West of Metal & Thermit (M&T) access road and being more particularly described as follows:

Beginning at the west property corner of Tract 1, Parcel 2, said point being on the southeast right of way of US Highway 42 as established by the Commonwealth of Kentucky Department of Highways by state project 13E-GS (1932) and being referenced by a found  $\frac{1}{4}$ " iron rod;

Thence,, along the aforementioned right of way N 62°53'42" E a distance of 1954.47 feet to the intersection of said right of way and the southwest right of way line of Metal & Thermit (M&T) access road as established by the Commonwealth of Kentucky Department of Highways by state project 21-392-2L (1963);

Thence,, along the aforementioned southwest right of way, S 39°02'00" E a distance of 1725.16 feet to the intersection of the said right of way and the north right of way of the C. & W. Railroad;

Thence,, along the aforementioned right of way, S 37°18'28" W a distance of 130.62 feet;

Thence,, continuing along said north right of way, S 32°55'49" W a distance of 130.01 feet;

Thence,, continuing along said north right of way, S 29°14'08" W a distance of 530.26 feet to a point of curvature;

Thence,, continuing along said C. & W. right of way, along a 1,440.95 foot radius curve, concave to the east, a distance of 1,019.31 feet to a point of tangency, said curve having a chord bearing of S 09°18'44" W and a chord length of 998.19 feet;

Thence,, continuing along said right of way, S 10°12'54" E a distance of 208.44 feet;

Thence,, continuing along said right of way, N 36°19'29" W a distance of 84.81 feet;

Thence,, continuing along said right of way, N 40°55'05" W a distance of 85.28 feet;

Thence,, continuing along said right of way, N 43°31'56" W a distance of 66.83 feet;

Thence,, continuing along said right of way, N 44°13'39" W a distance of 218.16 feet;

Thence,, continuing along said right of way, N 45°31'09" W a distance of 85.35 feet;

Thence,, continuing along said right of way, N 48°16'53" W a distance of 78.71 feet;

Thence,, continuing along said right of way, N 53°09'00" W a distance of 75.62 feet;

Thence,, continuing along said right of way, N 59°04'55" W a distance of 68.30 feet;

Thence,, continuing along said right of way, N 69°19'47" W a distance of 120.20 feet;

Thence,, leaving the aforementioned right of way, N 12°04'34" E a distance of 9.25 feet;

Thence,, N 39°36'44" W a distance of 2439.42 feet to the true point of beginning; and containing 101.448 acres or 4,418,081 square feet.

Tract 2:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying West of Metal & Thermit (M&T) access road, Homer Kunselman and the Woodlawn Estates Subdivision, lying North Indian Hills Subdivision and Timber Ridge Subdivision, lying South and East of the C. & W. Railroad and being more particularly described as follows:

Beginning at the north property corner of Lot 91, Indian Hills Subdivision, said point being referenced by a found corner post;  
Thence, along a northerly line of the aforementioned Indian Hills Subdivision, S 41°05'04" W a distance of 1297.50 feet;  
Thence, along a northerly line of the said subdivision, N 10°35'25" W a distance of 826.26 feet;  
Thence, along a northerly line of the said subdivision, S 79°24'35" W a distance of 195.50 feet to the east right of way line of the C. & W. Railroad;  
Thence, along said right of way, N 10°13'18" W a distance of 353.57 feet to a point of curvature;  
Thence, continuing along said right of way, along a 1,350.45 foot radius curve, concave to the southeast, a distance of 955.50 feet to a point of tangency, said curve having a chord bearing of N 09°19'00" E and a chord length of 935.70 feet;  
Thence, continuing along the said right of way, N 29°14'08" E a distance of 527.34 feet;  
Thence, continuing along the said right of way, N 32°55'49" E a distance of 123.63 feet;  
Thence, continuing along the said right of way, N 37°18'28" E a distance of 105.16 feet to the southwest right of way line of Metal & Thermit (M&T) access road as established by the Commonwealth of Kentucky Department of Highways by state project 21-392-2L (1963);  
Thence, along said right of way, leaving the aforementioned railroad right of way, S 39°02'00" E a distance of 203.47 feet;  
Thence, continuing along said right of way, S 37°57'49" E a distance of 648.55 feet;  
Thence, continuing along said right of way, S 29°09'22" E a distance of 1,433.30 feet to a point of curvature;  
Thence, continuing along said right of way, along a 982.25 foot radius, concave to the northeast, a distance of 267.06 feet, said curve having a chord bearing of S 39°27'40" E and a chord length of 266.24 feet;  
Thence, leaving the aforementioned right of way line, along the westerly lines of Homer Kunselman and the Woodlawn Estates Subdivision as recorded in Book 74, Page 411, in the office of the Clerk of the County Court of Carroll County, Kentucky, S 29°02'56" E a distance of 1289.73 feet to the north property corner of Tract 5;  
Thence, along a northwesterly line of said Tract 5, S 60°3'36" W a distance of 81.61 feet;  
Thence, along a northwesterly line of said Tract 5, S 63°44'41" W a distance of 174.41 feet to a northerly property corner of the Timber Ridge Subdivision as recorded in Book 182, Page 673-682, in the office of the Clerk of the County Court of Carroll County, Kentucky;  
Thence, along a northerly line of said subdivision, N 26°15'20" W a distance of 41.78 feet to a found 5/8" iron rod;  
Thence, along a northerly line of said subdivision, S 63°44'40" W a distance of 172.67 feet to a found 5/8" iron rod;  
Thence, along a northerly line of said subdivision, S 26°15'20" E a distance of 41.78 feet to a found 5/8" iron rod;  
Thence, along a northerly line of said subdivision, S 63°44'40" W a distance of 380.13 feet to the easterly line of the Indian Hills Subdivision;  
Thence, along said easterly line, passing a 5/8" iron rod at a distance of 243.92 feet, N 13°25'41" W a distance of 1276.43 feet to a 5/8" iron rod;  
Thence, along an easterly line of said subdivision, passing a found 1/2" iron rod at a distance of 73.90 feet, N 38°20'45" W a distance of 423.94 feet to the true point of beginning; and containing 80.291 acres or 3,497,495 square feet.



CARROLL COUNTY  
D192 PG453

Tract 3, Parcel 1:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying South of US Highway 42, lying East of Arkem, Inc. Tract 4 and Duperdale Subdivision, lying North of the C. & W. Railroad and lying West of Arkem, Inc. Tract 1, Parcel 2 and being more particularly described as follows:

Beginning at the north property corner of Tract 3, Parcel 1, said point being on the southeast right of way of US Highway 42 as established by the Commonwealth of Kentucky Department of Highways by state project 13E-GS (1932) and being referenced by a found  $\frac{1}{4}$ " iron rod;  
Thence, leaving said right of way, S  $39^{\circ}36'44''$  E a distance of 2439.42 feet;  
Thence, S  $12^{\circ}04'34''$  W a distance of 9.25 feet to a point on the north right of way of the C. & W. Railroad;  
Thence, along said right of way, N  $76^{\circ}20'41''$  W a distance of 60.88 feet;  
Thence, continuing along said right of way, N  $80^{\circ}39'50''$  W a distance of 60.48 feet;  
Thence, continuing along said right of way, N  $88^{\circ}07'46''$  W a distance of 58.95 feet;  
Thence, continuing along said right of way, S  $89^{\circ}08'37''$  W a distance of 60.72 feet;  
Thence, continuing along said right of way, S  $83^{\circ}39'00''$  W a distance of 65.40 feet;  
Thence, continuing along said right of way, S  $78^{\circ}56'11''$  W a distance of 68.06 feet;  
Thence, continuing along said right of way, S  $12^{\circ}51'20''$  E a distance of 8.00 feet;  
Thence, continuing along said right of way, S  $75^{\circ}30'21''$  W a distance of 661.72 feet;  
Thence, continuing along said right of way, S  $74^{\circ}06'42''$  W a distance of 96.05 feet;  
Thence, continuing along said right of way, S  $72^{\circ}58'46''$  W a distance of 109.21 feet;  
Thence, continuing along said right of way, S  $70^{\circ}28'38''$  W a distance of 95.17 feet;  
Thence, continuing along said right of way, S  $68^{\circ}12'12''$  W a distance of 108.93 feet;  
Thence, continuing along said right of way, S  $65^{\circ}26'33''$  W a distance of 396.33 feet;  
Thence, continuing along said right of way, S  $65^{\circ}02'13''$  W a distance of 7.26 feet to a found  $\frac{5}{8}$ " iron rod;  
Thence, leaving the aforementioned right of way, along the northeasterly line of Arkem, Inc. Tract 4, N  $39^{\circ}59'00''$  W, a distance of 1045.43 feet to a found  $\frac{1}{2}$ " iron rod;  
Thence, along a northeasterly line of Duperdale Subdivision, N  $38^{\circ}36'54''$  W a distance of 404.63 feet;  
Thence, along a northeasterly line of said subdivision, N  $38^{\circ}35'16''$  W a distance of 401.36 feet;  
Thence, along a northeasterly line of said subdivision, N  $38^{\circ}36'05''$  W a distance of 275.45 feet to the aforementioned southeast right of way of US Highway 42;  
Thence, along said right of way, N  $65^{\circ}37'16''$  E a distance of 965.30 feet;  
Thence, continuing along said right of way, S  $24^{\circ}22'45''$  E a distance of 5.00 feet;  
Thence, continuing along said right of way, N  $65^{\circ}37'16''$  E a distance of 168.01 feet;  
Thence, continuing along said right of way, N  $64^{\circ}49'58''$  E a distance of 574.98 feet to the true point of beginning; and containing 92.361 acres or 4,024,117 square feet.

CARROLL COUNTY  
D192 PG454

Tract 3, Parcel 2:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying South and West of the C. & W. Railroad and lying North of Kentucky Route No. 36 and lying East of Christian Academy of Carrollton Inc. and Dan Carraco and Carol Teach and being more particularly described as follows:

Beginning at the southwest property corner of Tract 3, Parcel 2, said point being on the north right of way of Kentucky Route No. 36 and being referenced by a found  $\frac{1}{4}$ " iron rod;

Thence, leaving said right of way, N 10°38'44" E a distance of 621.02 feet to a found  $\frac{1}{2}$ " iron rod;

Thence, N 36°10'08" W a distance of 95.67 feet;

Thence, S 48°03'51" W a distance of 93.41 feet;

Thence, N 40°02'07" W a distance of 1376.94 feet to a point on the south right of way of the C. & W. Railroad;

Thence, along said right of way, N 65°25'33" E a distance of 385.29 feet;

Thence, along said right of way, N 68°12'12" E a distance of 106.98 feet;

Thence, along said right of way, N 70°28'38" E a distance of 93.09 feet;

Thence, along said right of way, N 72°58'46" E a distance of 107.62 feet;

Thence, along said right of way, N 74°08'42" E a distance of 94.95 feet;

Thence, along said right of way, N 75°30'21" E a distance of 660.09 feet;

Thence, along said right of way, S 12°45'15" E a distance of 8.00 feet;

Thence, along said right of way, N 78°56'11" E a distance of 62.48 feet;

Thence, along said right of way, N 83°39'00" E a distance of 59.61 feet;

Thence, along said right of way, N 89°08'37" E a distance of 54.82 feet;

Thence, along said right of way, S 86°07'07" E a distance of 53.08 feet;

Thence, along said right of way, S 80°39'50" E a distance of 54.85 feet;

Thence, along said right of way, S 76°20'41" E a distance of 58.39 feet;

Thence, along said right of way, S 69°04'37" E a distance of 106.08 feet;

Thence, along said right of way, S 59°04'55" E a distance of 59.11 feet;

Thence, along said right of way, S 53°09'00" E a distance of 69.39 feet;

Thence, along said right of way, S 48°16'53" E a distance of 74.31 feet;

Thence, along said right of way, S 45°31'09" E a distance of 83.01 feet;

Thence, along said right of way, S 44°13'39" E a distance of 217.02 feet;

Thence, along said right of way, S 43°31'56" E a distance of 64.92 feet;

Thence, along said right of way, S 40°55'05" E a distance of 81.13 feet;

Thence, along said right of way, S 36°19'29" E a distance of 71.77 feet;

Thence, along said right of way, S 30°39'25" E a distance of 70.65 feet;

Thence, along said right of way, S 26°27'13" E a distance of 54.43 feet;

Thence, along said right of way, S 22°11'38" E a distance of 50.27 feet;

Thence, along said right of way, S 18°18'10" E a distance of 54.95 feet;

Thence, along said right of way, S 15°39'34" E a distance of 43.70 feet;

Thence, along said right of way, S 12°27'54" E a distance of 41.52 feet;

Thence, along said right of way, S 10°12'54" E a distance of 710.01 feet;

Thence, along said right of way, S 10°12'54" E a distance of 216.18 feet;

Thence, leaving the aforementioned right of way (now the west right of way line of the C. & W. Railroad),

S 84°00'13" W a distance of 156.23 feet to a found  $\frac{1}{2}$ " iron rod;

Thence, S 84°20'18" W a distance of 178.13 feet to a found  $\frac{1}{2}$ " iron rod;

Thence, S 06°56'18'40" E a distance of 337.33 feet to the north right of way line of Kentucky Route No. 36;

Thence, along said right of way, S 83°27'48" W a distance of 74.80 feet;

Thence, along said right of way, S 80°10'28" W a distance of 81.79 feet;

Thence, along said right of way, S 78°55'33" W a distance of 247.55 feet;

Thence, along said right of way, S 80°43'05" W a distance of 101.11 feet;

Thence, along said right of way, S 84°17'36" W a distance of 58.68 feet;

Thence, along said right of way, S 89°19'06" W a distance of 67.73 feet;

Thence, along said right of way, N 85°27'30" W a distance of 71.01 feet;

Thence, along said right of way, N 80°40'09" W a distance of 90.69 feet;



CARROLL COUNTY  
D192 PG455

---

Thence, along said right of way, N 78°37'50" W a distance of 157.32 feet;  
Thence, along said right of way, N 78°31'48" W a distance of 74.78 feet;  
Thence, along said right of way, N 83°24'34" W a distance of 107.12 feet;  
Thence, along said right of way, N 87°11'39" W a distance of 92.99 feet;  
Thence, along said right of way, N 89°31'29" W a distance of 211.67 feet to the true point of beginning;  
and containing 85.418 acres or 3,720,790 square feet.

CARROLL COUNTY  
D192 PG456

---

Tract 4:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and being North of Railroad and lying East of Carroll County Board of Education and lying South of Duperdale Subdivision and lying West of Tract G and being more particularly described as follows:

Beginning at a  $\frac{1}{2}$ " iron rod found in the North right of way of the C. & W. Railroad and east property line of Carroll County Board of Education; thence leaving the North right of way of C. & W. Railroad and along the east property line of Carroll County Board of Education;  
Thence with the east line of Carroll County Board of Education, N 35°33'21" W, a distance of 760.77 feet;  
Thence, N 37°54'37" W, a distance of 266.33 feet to a  $\frac{1}{2}$ " iron pin found and corner of School and Duperdale Subdivision;  
Thence, leaving school property and along property line of lot 14 and lot 13 of Duperdale Subdivision, N 64°37'43" E, a distance of 328.76 feet to a  $\frac{1}{2}$ " iron round found at the southeast corner of lot 13;  
Thence, S 39°59'00" E, a distance of 1045.43 feet to a  $\frac{5}{8}$ " Iron rod found on the North right of way of C. & W. Railroad;  
Thence, along said right of way, S 65° 02' 13" W, a distance of 370.08 feet to the true point of beginning;  
and containing 8.349 acres, or 363,883 square feet.



CARROLL COUNTY  
**D192 PG457**

Tract 5:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying West of the Woodlawn Estates Subdivision, lying North and East of the Timber Ridge Subdivision and lying South of Arkema, Inc. Tract 2 and being more particularly described as follows:

Beginning at the south property corner of Tract 5, being a northerly property corner of Lot 4 of the Timber Ridge Subdivision, as recorded in Book 182, Page 673-682, in the office of the Clerk of the County Court of Carroll County, Kentucky, said point being referenced by a found 5/8" iron rod;  
Thence, N26°15'20"W a distance of 29.80 feet;  
Thence, N83°44'41"E a distance of 174.41 feet;  
Thence, N60°3'36"E a distance of 81.81 feet;  
Thence, S29°02'56"E a distance of 30.00 feet;  
Thence, N62°36'48"E a distance of 257.36 feet to the true point of beginning; and containing 0.166 acres or 7,213 square feet.

CARROLL COUNTY  
D192 PG458

Tract 6:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying South of US Highway 42, lying East of Metal & Thermit (M&T) access road, lying North of the C. & W. Railroad and lying West of G.C. and William Wade Bucy and being more particularly described as follows:

Beginning at the intersection of the southeast right of way of US Highway 42 as established by the Commonwealth of Kentucky Department of Highways by state project 13E-GS (1932), and the northeast right of way line of Metal & Thermit (M&T) access road as established by the Commonwealth of Kentucky Department of Highways by state project 21-392-2L (1963);

Thence, along the southeast Right of Way of said US Highway 42, N 63°16'04"E a distance of 50.52 feet to a point of curvature;

Thence, continuing along said right of way line, along a curve to the left having a radius of 11459.30 feet a distance of 608.16 feet, said curve having a chord of bearing of N 61°45'04" and a chord length of 608.11 feet, to a found ½" iron rod, said rod found being the northwest corner of the tract of ground conveyed to G. C. Bucy and William Wade Bucy by Will Book 10, Page 557, in the office of the Clerk of the County Court of Carroll County, Kentucky;

Thence, leaving the aforementioned right of way line and proceeding with the Bucy tract, S 38°31'20" E a distance of 1542.45 feet to the northwest right of way of the C. & W. Railroad, as recorded in Deed Book 62, Page 573, in the office of the Clerk aforesaid;

Thence, along said railroad right of way S 51°23'01" W a distance of 292.65 feet to a point of curvature;

Thence, continuing said railroad right of way, along a curve to the left having a radius of 1910.00 a distance of 334.61 feet, said curve having a chord bearing of S 46°33'05" W and a chord length of 334.42 feet, to a found ½" iron rod in the northeast right of way of M&T access road;

Thence, leaving said railroad right of way and proceeding along the northeast right of way of said M&T access road, N 39°02'00" W a distance of 915.73 feet;

Thence, continuing along said right of way, N 36°10'15" W a distance of 100.12 feet;

Thence, continuing along said right of way, N 39°02'00" W a distance of 150.00 feet;

Thence, continuing along said right of way, N 40°56'33" West a distance of 150.08 feet;

Thence, continuing along said right of way, N 44°44'38" W a distance of 100.50 feet;

Thence, continuing along said right of way, N 39°02'00" W a distance of 257.48 feet to the point of beginning, containing 23.22 acres, or 1,011,463 square feet.



CARROLL COUNTY  
D192 PG459

Tract 7:

Situated in the City of Carrollton, County of Carroll, State of Kentucky and lying North of US Highway 42, lying East of Malcolm Carraco, lying South of the Ohio River and lying West of Ray & Martha Spenneberg and being more particularly described as follows:

Beginning at the east property corner of Tract 7, said corner being on the northwest right of way of US Highway 42 as established by the Commonwealth of Kentucky Department of Highways by state project 13E-GS (1932);

Thence, along said right of way, S 65°06'54" W a distance of 570.42 feet;  
Thence, continuing along said right of way, N 24°22'45" W a distance of 5.00 feet;  
Thence, continuing along said right of way, S 65°39'28" W a distance of 478.07 feet;  
Thence, leaving the northwest right of way of US Highway 42, along a northeasterly property line of Malcolm Carraco, as recorded in Book 143 Page 19, in the office of the Clerk of the County Court of Carroll County, Kentucky, N 25°36'24" W a distance of 238.81 feet;  
Thence, along a northeasterly property line of said property, N 00°44'26" E a distance of 123.56 feet;  
Thence, along a northeasterly property line of said property, N 45°54'21" W a distance of 76.88 feet;  
Thence, along a northeasterly property line of said property, N 18°04'53" W a distance of 216.00 feet to the Ohio River;  
Thence, along the Ohio River, N 65°04'03" E a distance of 835.08 feet;  
Thence, leaving the Ohio River, along the southwesterly property line of Ray & Martha Spenneberg as recorded in Book 130 Page 352, of the aforementioned records, S 39°43'44" E a distance of 657.11 feet to the true point of beginning; and containing 13.816 acres or 801,826 square feet.

## ATTACHMENT B: IMPACTED AREA DESCRIPTION

Beginning at a point of tangency on the 6 foot tall chain link security fence at SPC  
N: 4,137,795.89, E: 5,094,756.50 ; Thence along said fence the following four calls:  
S 31°40'49" W a distance of 205.54 feet;  
Thence S 06°43'37" W a distance of 95.39 feet;  
Thence S 17°30'15" W a distance of 55.26 feet;  
Thence S 39°19'50" W a distance of 71.85 feet to the south-west fence corner of an  
electric substation;  
Thence S 35°47'35" W a distance of 259.28 feet to a point in the 6 foot tall chain link  
security fence;  
Thence with said fence the following three calls:  
S 41°08'01" W a distance of 72.42 feet;  
Thence S 58°58'14" W a distance of 132.94 feet;  
Thence S 70°18'16" W a distance of 156.17 feet to a set 5/8" rebar in said fence line;  
Thence leaving said fence line N 37°13'07" W a distance of 382.51 feet to a set 5/8"  
rebar;  
Thence S 51°06'57" W a distance of 446.95 feet to a set 5/8" rebar;  
Thence N 36°40'03" W a distance of 341.69 feet to a set 5/8" rebar;  
Thence N 51°55'01" E a distance of 444.45 feet to a set 5/8" rebar;  
Thence N 36°52'06" W a distance of 396.73 feet to a set 5/8" rebar;  
Thence S 52°38'26" W a distance of 262.23 feet to a set 5/8" rebar;  
Thence N 35°28'23" W a distance of 96.12 feet to a corner in the 6 foot tall chain link  
security fence;  
Thence with said fence the following 6 calls:  
N 35°10'07" W a distance of 166.48 feet;  
Thence N 54°15'00" E a distance of 79.42 feet;  
Thence N 34°37'27" W a distance of 428.15 feet to a corner in said fence;  
Thence N 52°39'41" E a distance of 159.51 feet to a set "MAG" nail with a washer  
stamped "LATTO-3466"[said nail being located N 24°42'18" W a distance of 466.08  
feet to a flush concrete highway right of way marker found at a 8.20 foot jog in the south  
line of US 42];  
Thence N 48°59'31" E a distance of 84.97 feet to a slight corner of said fence;  
Thence with said fence N 52°58'35" E a distance of 1238.41 feet ( passing a corner of  
said fence at 1228.66 feet) to a point in the south-west right-of way of Kentucky  
Highway 2350, aka Martin Road, originally dedicated as M & T Access road by  
Kentucky Highway Department project S.P.21-392-4 in 1963 [said point being located N  
07°26'23" W a distance of 240.83 feet to a highway right of way marker found near the  
south east intersection of US 42 and KY 2350];  
Thence with said highway right of way the following three calls:  
S 37°13'19" E a distance of 240.14 feet;  
Thence S 34°21'34" E a distance of 200.25 feet;  
Thence S 37°13'19" E a distance of 1008.84 feet;  
Thence leaving said highway right of way S 31°40'49" W a distance of 373.67 feet to the  
point of beginning, containing 2,543,397 square feet more or less, 58.388 acres more or  
less.

Being on part of the property acquired by PMC Organometallics, Inc. by deed book 192,  
page 445, dated July 25, 2013, of record in the office of the Carroll County Clerk,  
Carrollton, KY.



## ATTACHMENT C: RCRA CORRECTIVE ACTION AREAS DESCRIPTION

### Area 1 – Former East Tank Farm (Solid Waste Management Unit (SWMU) 22):

Area 1 is located 66' +/- south east of buildings 821, B20, B23 & B42 and 14' south east of B51. Beginning at a magnail set at SPC N: 4138735.53, E: 5094215.78; Thence S 37°15'46" E 113.56' to a magnail set; Thence S 52°59'00" W 192.92' to a magnail set; Thence N 36°35'37" W 113.47' to a X-cut set; Thence N 52°57'19" E 191.59' the point of beginning, containing 21,824 Sq. Ft. or 0.501 Acres +/-.

### Area 2 – B3 Area (Portion of Process Sewer - SWMU 69):

Area 2 is located at the south west corner of building B3 and abuts the north edge of building B-45. Beginning at a drillhole set near the north face of building B45 at SPC N: 4138509.46, E: 5093683.26; Thence leaving said north face N 36°32'12" W 27.00' (passing a witness monument drill hole set at 17.35') to a point; Thence N 53°27'48" E 20.00' (passing through the west wall of building B3 at 7.24' to a point; Thence S 36°32'12" E 27.00' (passing through a south wall of building B3 at 9.21') to a point at the interior corner of buildings B3, B27 and B45; Thence with a line near the north face of building 845, S 53°27'48" W 20.00' to the point of beginning, containing 540.0 Sq. Ft. or 0.012 Acres +/-.

### Area 3 – North Side TRS Pad Area (Area of Concern (AOC Q)):

Beginning at a railroad spike set at SPC N: 4,137,938.42, E: 5,094,135.78; Thence N 52°42'57" E 10.81' to Mag nail set in the edge of an asphalt drive; Thence with said edge of S 36°51'26" E 104.60' to a magnail set; Thence S 52°50'29" W 10.17' to a railroad spike set at the north east corner of building B52; Thence with a line near the face of said B52, S 52°51'15" W 163.15' (passing the north west corner of said B52 at 100.00') to an IPC set; Thence N 37°12'49" W 30.27' to a railroad spike set (said spike set also being the north east corner of Area 4 defined below); Thence N 36°26'30" W 15.89' to an IPC set; Thence N 53°14'36" E 28.40' to an IPC set; Thence N 36°12'31" W 7.45' to an IPC set; Thence N 53°05'09" E 54.30' to an IPC set; Thence N 36°36'05" W 50.51' to an IPC set; Thence N 52°13'39" E 79.57' to the point of beginning, containing 13,643 Sq. Ft. or 0.313 Acres +/-.

### Area 4 – B-65 Perched Water Area (AOC P):

Area 4 is located south and west of building B52. Beginning at a magnail set at SPC N: 4,137,703.40, E: 5,094,313.35; Thence S 52°48'55" W 249.95' to a railroad spike set; Thence N 37°01'36" W 220.11' to a railroad spike set; Thence N 52°39'07" E 86.80' to a railroad spike set in the west line of and as a common corner to Area 3 described above;

Thence S 37°12'49" E 30.27' to an IPC set at the south west corner of said area 3; Thence S 37°20'08" E 100.00' to an IPC set; Thence N 52°38'31" E 162.67' to a railroad spike set; Thence S 36°55'59" E 90.58' to the point of beginning, containing 33,899 Sq. Ft. or 0.778 Acres +/-.

DOCUMENT NO: 96181  
RECORDED: February 04, 2019 03:35:00 PM  
TOTAL FEES: \$73.00  
COUNTY CLERK: ALICE W. MARSH  
DEPUTY CLERK: DANIELLE KINMAN  
COUNTY: CARROLL COUNTY  
BOOK: MS 3 PAGES: 231 - 253